

UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK

Robert Derek Lurch, SS.

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

JURY DEMAND

YES ☒ NO ☐

-against-

① NYCHHC and ② Every Doctor that
diagnosed and treated any inmate (detainee)
from IAA with the Flu or Flu-like symptoms
but failed to isolate them from general
population afterwards

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. Parties: (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Robert Derek Lurch SS.

If you are incarcerated, provide the name of the facility and address:

Prisoner ID Number: _____

If you are not incarcerated, provide your current address:

29-27 90th road
Long Island City, NY
11101
Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

NYCHHC
Full Name
Job Title
Address

Defendant No. 2

See front of Complaint
Full Name
Job Title
Address

Defendant No. 3

Full Name
Job Title

Defendant No. 4

Address

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Housing area 1 AA - VC3C
(RICKES ISLAND)

When did the events happen? (include approximate time and date) Dec. 5, 2019 to Dec. 22,
2019 - Housing Area 1 AA - VC3C (RICKES ISLAND)

Deliberate Indifference to a Pretrial detainee/

Inmate's health and safety

Parties Liable: ① NYCHHC and ② See front of the complaint

Constitutional violation: *violation of 8th and 14th amendment protections

Facts of the incident

I was
ON DEC. 5, 2019 taken into "the city of new york" custody by nyspoccs for allegedly violating my conditions of release. When I was initially brought into custody, I was seen by medical and it was documented that I wasn't suffering from any flu-like symptoms.

Shortly thereafter, I was housed in housing area 1A with other inmates that were supposedly medically cleared as well. Days into my stay at the facility, I started noticing a few inmates that were housed in the same living quarters as me were sneezing and coughing like they suddenly became ill.

These detainees/inmates (some were parole violators) went to medical, was diagnosed with the flu and then sent back to the housing area with their treatment for their condition (flu medication).

Subsequently, I became infected with the flu virus (which developed into pneumonia by the time I was seen by medical) and I was transferred to west facility to treat my condition after I was seen by physicians in the facility (which was vague) (as a result of living with these inmates).

The physicians at west facility after determining I had pneumonia, placed

me in a medical isolation unit (the springs) because they said my condition was contagious and they informed me "to prevent the spread", I will be housed in an isolation unit until my condition improves and I'm no longer contagious.

That event occurred on Dec. 22 and I was sent back to general population somewhere around Jan. 1, 2020, when my condition had improved and I was no longer ^{deemed} contagious.

NYCHHC and its employees showed a deliberate indifference to the inmates/detainees that inhabited housing area 1aa, health and safety, when they knowingly sent inmates that were diagnosed with the flu back to a housing area to live amongst inmates/detainees with no symptoms knowing the flu virus is contagious and can be easily spread.

How my rights were violated

Close quarter environments like jail or prisons, bring together a large number of people into a very small space and are breeding grounds for certain viruses such as the flu due to the living conditions that its inhabitants are subjected to.

When an infected person coughs, sneezes, yells or even sings loudly, small droplets of saliva or mucus containing with viruses are ejected from the mouth into the air. Someone else inhales those droplets and gets infected, or possibly a droplet lands on a hard surface, sits there for a while and then someone else touches that surface, picks up the virus on a finger, later touches his/her face and transfers that virus to his eye, nose or mouth and gets infected.

Or an infected person may have ^{the} virus on his hands and touches a hard surface, which deposits ^{the} virus there. Later another person touches that hard surface and then his own eye, nose or mouth ~~becomes~~ ^{becomes} infected. In general, close contact with an infected person will result in infection unless very

Careful precautions are taken.

These defendants knew how easily this virus spreads due to being medical professionals and instead of placing infected inmates/detainees in the isolation rooms (the springs in west facility) that were designed for this exact purpose (to stop the spread of contagious conditions such as pink eye, the flu virus and other ailments), they intentionally sent inmates with a contagious condition to directly and indirectly infect the inhabitants of housing area 1A showing a deliberate indifference to those inmates/detainees health and safety that were housed there because they knew this condition could develop into a more severe condition such as pneumonia and can potentially result in the carrier of this condition death.

As a direct result of these defendants actions, I was infected with the flu (which developed into pneumonia) and I almost died. I was removed from housing area 1A on Dec. 22, 2019 and transferred to west facility to receive care for my condition (I was diagnosed with on that day) (which was pneumonia).

III. Relief: State what relief you are seeking if you prevail on your complaint.

In suing each municipality for \$5 million in compensatory damages and each individual defendant for \$5 million dollars in compensatory damages and \$5 million in punitive damages.

I declare under penalty of perjury that on N/A, I delivered this complaint to prison authorities at N/A (date) to be mailed to the United States District Court for the Eastern District of New York. (name of prison)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 2/12/2021


Signature of Plaintiff

29-27 40th rd.
Name of Prison Facility or Address if not incarcerated

Long Island City, NY

11101

Address

Prisoner ID#

Facts: (what happened?)

- See Attached -

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Internal scarring of the lungs, mental and emotional suffering,
and other injuries related to this condition

13/00019
FBI

Internal Revenue Service

333 West Pershing Rd.

Mail Stop 02555-2

Kansas City, Missouri

69108

we're then in regards

to locating my Employer Identification
Number and SSA # as the owner